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U.S. APPLICATION NUMBER/PATENT NUMBER: 09/762,259
FILED/ISSUED: 02/02/2001
EXAMINER: SOBUTKA, Philip
GROUP ART UNIT: 2684
USPTO CONTROL NUMBER: 2819

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PAPERS FILED: The following papers are transmitted herewith:
37 CFR 41.41 Reply Brief (4 pages)

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NEIFELD Docket No.: SIEM0018U/US

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: Renate Zygan-Maus GROUP ART UNIT: 2684
SERIAL NO.: 09/762,259 EXAMINER: SOBOTKA, Philip
FILED: 02/02/2001 CONFIRMATION NO.: 2819
FOR: Method for Administering a Service for a Subscriber

ASSISTANT COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

37 CFR 41.41 REPLY BRIEF

BOX STOP APPEAL BRIEF - PATENTS
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Sir:

Appellant herewith respectfully replies pursuant to 37 CFR 41.41 to the Examiner's
Answer mailed 18 January 2005. Appellant submits no new amendments or evidence.

37 CFR 41.37(c)(1)(vii) Argument**A. The Rejections of Claims 1-6 Under 35 USC 103(a) as Obvious Based Upon USP 5,539,807 to Ghisler et al.****1. The Examiner's Further Assertions In Support of the Rejections**

In the Examiner's Answer mailed January 18, 2005, the examiner asserts at page 4 line 12 to page 5 line 10 that:

Appellant argues that Ghisler does not teach "allocating a connection number ...to said mobile network subscriber". The examiner maintains that, in view of the instant specification, what is being allocated is payment responsibility for a call from a fixed terminal. The appellant argues that the instant allocation (of a connection number of a fixed network terminal) is performing some other service, "distinct and separate from its" (the fixed terminal's) "ordinary, regular use". However it would seem that having charges for a call from a *fixed* land line terminal be allocated to a *mobile* subscriber account would be "distinct and separate from its ordinary, regular use" in which calls from the fixed terminal would be allocated to the fixed terminal's account. It is not clear what other service "distinct and separate from its ordinary, regular use" the appellant has in mind. Even assuming that the appellant means "allocating" in the sense that a mobile radio might be "allocated" a radio frequency for use, or a desk telephone might be "allocated" an outside line, this is clearly shown in Ghisler. Note for example, Ghisler's figure 2, box 17 described in column 6, lines 5-9: "According to step 17, the PSTN assigns, after successful identification of the subscriber, a line to the terminal 6, which is manifested by a register tone in the handset of said terminal." Note also that the terminal 6, has previously been identified by its terminal number, as in the claimed "connection number", as explained by Ghisler at column 5, lines 43-50.

Appellant has also argued that the fixed terminal number is allocated for more than one call, without having to re-enter PIN, referred to as security codes,

claims 2 and 5, however this limitation is not present in the claims on appeal.

[Examiner's Answer mailed January 18, 2005, at page 4 line 12 to page 5 line 10; emphasis in original.]

2. The Appellant's Reply

As appellant argued in appellant's Appeal Brief, appellant respectfully submits that the examiner's rejections of claims 1-6 under 35 USC 103(a) are in error because the examiner has not made proper *prima facie* rejections. Appellant respectfully submits that neither in the Office action mailed May 26, 2004, finally rejecting claims 1-6, nor in the Examiner's Answer mailed January 18, 2005, does the examiner provide proper reasoning to explain why one of ordinary skill in the art at the time of the invention would have modified the teachings of Ghisler to obtain the claimed "allocating a connection number... to said mobile network subscriber," absent impermissible hindsight.

As explained in appellant's Appeal Brief, Ghisler nowhere teaches or suggests "allocating" a "connection number" (associated with a fixed terminal network device) to a mobile network subscriber. Because Ghisler's mobile user or mobile subscriber must re-enter a PIN each time Ghisler's terminal device is accessed, Ghisler teaches away from the claimed "allocating" of this application's "connection number" and merely describes an ordinary system where Ghisler's mobile user or mobile subscriber may use Ghisler's terminal device *only on a call-by-call* basis. The claimed "allocating" step of this application allows this application's mobile subscriber to access the fixed terminal network device of this application multiple times in succession without re-entering a PIN. Clearly, then, Ghisler does not teach or suggest the claimed step of "allocating." Therefore, the examiner has not made proper *prima facie* rejections. Therefore, appellant respectfully submits that the rejections of claims 1-6 under 35 USC 103(a) are improper and should be reversed.

B. The Examiner's Assertions Regarding Figure 2

In the Examiner's Answer mailed January 18, 2005, the examiner asserts at page 5 lines 16-18 that:

It is also noted that appellant's remarks have made reference to a figure 2.

As noted in the instant specification on page 2, paragraph 9, there is only a single figure in the application. [Examiner's Answer mailed January 18, 2005, at page 5 lines 16-18.]

Appellant respectfully points out that the reference to figure 2 in appellant's Appeal Brief refers to figure 2 of Ghisler, not to the specification of this application.

Respectfully Submitted,

3/18/2005
Date

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